THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.13715 of 2006

DATED: 06.07.2006

Between
T.N.Munawar Sultana. .. PETITIONER

Versus

The Municipal Corporation of Kadapa,
represented by its Commissioner, Kadapa,
Kadapa District and two others. .. RESPONDENTS

WRIT PETITION NO.13715 of 2006

ORDER:

Heard the learned counsel.

2. The Writ Petition is filed praying for a Writ of Mandamus declaring the action of the respondents in seeking to demolish the commercial house presently situated in D.No.12/419 (old No.12/313A) of Manchala Ramaiah Street, Kadapa City, belongs to the petitioner, as arbitrary, illegal and contrary to the procedure envisaged under the provisions of Sections 146 and 147 of the Hyderabad Municipal Corporation Act, 1955 and contrary to the guidelines framed in the case of Pilli Lakshmana Rao vs. Executive Officer, Gram Panchayat reported in 2000(5) ALT 246 and consequently direct the respondents not to demolish the commercial house presently situated in D.No.12/419 (old No.12/313A) of Manchala Ramaiah Street, Kadapa City, belongs to the petitioner, without following due process of law and pass such other suitable orders.

3. It is stated that the petitioner's husband acquired the residential house situated in D.No.12/419 (old No.12/313A) through a registered Release Deed and Gift Deed dated 16.6.1969 and 24.2.1977 respectively. It is also stated that after the death of the husband of the petitioner, the petitioner constructed a residential house and shopping complex (in ground floor). It is further stated that the respondent had taken a policy decision to widen the roads in Kadapa city on 14.10.2005. It is also stated that the news of widening the roads is published in newspapers on 23.11.2005. It is stated that the

respondents, without following due process of law, are making attempts to carry out the demolition activity.

It is needless to say that the respondents are bound to follow due process of law before taking up any demolition activity. In view of the same, the respondents are directed not to resort to any demolition activity in relation to the subject matter of the Writ Petition unless and until they follow due process of law.

Writ Petition is disposed of accordingly with the above direction. No costs.

06.07.2006

SSR